

REMARKS

Claim 29 stands rejected under 35 U.S.C. 112, second paragraph as not being sufficiently definite. Claims 16-22 and 24-30 stand rejected under 35 U.S.C. 102(b) as being anticipated by patent No. WO 01/20855 (hereinafter Etsuo). Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Etsuo in view of JP 11232188 (hereinafter Yoshihiro). Applicant respectfully requests reconsideration of the rejections, and further requests allowance of the pending claims in view of the foregoing amendments and the following remarks.

Claims 1-15 were previously canceled. Claim 17-20 and 22 are presently cancelled. Thus, claims 16, 21, and 23-30 are presently pending.

Claim 29 has been amended to correct its dependency. Accordingly, the 112, second paragraph rejection should be withdrawn.

Claim 16 is directed to a method for transmitting messages in a network via data terminals connected thereto. For the convenience of the reader, the reference numerals below refer to FIGs. 1 and 2 of the drawings of the present invention.

A message 14 to be relayed is sent from a sender data terminal to a first mail processing device 2 assigned to the sender data terminal. A unique identifier is assigned to the message that indicates that a message to be relayed is on the sender data terminal, in the first mail processing device, or in a second mail processing device 4 assigned to a recipient address data terminal. The identifier comprises a plurality of subidentifiers, each of which is assigned to at least one message element contained in a relayed message. A test message 6 including the subidentifiers is sent from the first mail processing device 2 to the second mail processing device 4. The second mail processing device 4 evaluates the test message 6 sent by the first mail processing device 2. The evaluating is configured to process each subidentifier in the test message relative to data present in the second mail processing device indicative of respective message elements previously relayed to the recipient address data terminal. An evaluation-result message 7 is sent from the second mail processing device 4 to the first mail processing device 2. The evaluation-result message 7 indicates to the first mail processing device 2 to transmit message elements or to block message elements from being transmitted to the second mail processing device. More particularly, message elements evaluated as not previously relayed to the recipient address data terminal are transmitted to the second mail processing device, and message

elements evaluated as previously relayed to the recipient address data terminal are blocked. A transmission 8 is performed of respective ones of the message elements to the second mail processing device in response to the evaluation-result message. Message elements transmitted from the first mail processing device 2 to the second mail processing device 4 are relayed to the recipient address data terminal respective.

It is respectfully submitted that neither Etsuo nor Yoshihiro, singly and in combination, teach or suggest each of the structural and/or operational relationships of the claimed invention. For example, it is not seen where the applied combination of references teaches or suggests sending a test message 6 from a first mail processing device 2 to a second mail processing device 4, as set forth in the claimed invention. Furthermore, it is not seen where the applied combination of references teaches or suggests sending an evaluation-result message 7 back from the second mail processing device 4 to the first mail processing device 2 where message 7 indicates to the first mail processing device 2 to transmit message elements or to block message elements from being transmitted to the second mail processing device depending on whether a respective message element is evaluated as not previously relayed to the recipient address data terminal or whether the message element is evaluated as previously relayed to the recipient address data terminal. Accordingly, it is respectfully submitted that the claimed invention is patentable over Etsuo and Yoshihiro and early allowance of claim 16 (and claims depending there from) is solicited.

Independent claim 28 is directed to a network and, in view of the discussion above and the amendments made to claim 28, it is respectfully submitted that claim 28 is also patentable over Etsuo and Yoshihiro and early allowance of claim 28 (and claims depending there from) is similarly requested.

Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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